

REMARKS

STATUS SUMMARY

Claims 1, 3, 5-11, and 22 are pending in the present application. Applicant has amended claim 1 and cancelling claims 12, 14, 15, 17, 19, and 20. No inference as to the patentability of claims 12, 14, 15, 17, 19, and 20 can be made other than they were cancelled to expedite the issuance of this application that had already been previously allowed.

35 U.S.C. §112 REJECTIONS

The Examiner rejected claims 1-3, 12, 14, 15, 17, 19, and 20 under 35 U.S.C. 112, first paragraph, as being based on a disclosure which is not enabling with a feature critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. Applicant has amended independent claim 1 to contain a similar element as now allowable claim 5.

Therefore, in view of the remarks above and claim amendments and cancellations, claims 1-3, 5-7, 9-11 and 22 are in condition for allowance and all the claims that depend from the allowable independent claims are in condition for allowance. Claims 12, 14, 15, 17, 19, and 20 have been canceled.

PROVISIONAL DOUBLE PATENTING REJECTIONS

The Examiner provisionally rejected claims 12, 14, 15, 17, and 19 on the grounds of statutory double patenting as being unpatentable in view of the claims of applications 09/938,387.

Applicant has canceled claims 12, 14, 15, 17, and 19 making this rejection moot.


ALLOWABLE SUBJECT MATTER

The Examiner indicated that claims 5-7, 9-11, and 22, are indicated as being in condition for allowance by the Examiner.

Conclusion

In view of the foregoing discussion, Applicant respectfully submits that the claims 1-3, 5-7, 9-11, 14, and 22 as presented are in a condition for allowance, for which action is earnestly solicited.

Respectfully submitted,

By 

Attorney for Assignee
Gregory B. Gulliver, Reg. 44,138

Phone: (847) 282-3551
Fax: (847) 574-8035

The Eclipse Group LLP
10605 Balboa Blvd., Suite 300
Granada Hills, CA 91344

Customer No. 34408